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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/312,740	05/14/1999	DOUGLAS F. BEAVEN	108473.114	2986
25247	7590	12/14/2004	EXAMINER	
GORDON E NELSON PATENT ATTORNEY, PC 57 CENTRAL ST PO BOX 782 ROWLEY, MA 01969			HECK, MICHAEL C	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 12/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/312,740	BEAVEN, DOUGLAS F	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael C. Heck	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 187-210 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 187-210 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 August 2004 has been entered.
2. The following is a First Office Action in response to the request for continued examination filed 30 August 2004. Claims 187-210 are pending in this application and have been examined on the merits as discussed below.

### ***Response to Arguments***

3. Applicant's arguments, see p.6-8 of Applicant's Arguments, filed 30 August 2004, with respect to the rejection of claims 187-210 under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Board et al. (Board et al., High-end Project Managers, InfoWorld, 1 February 1993, p.61-69 [PROQUEST]) and Zimmerman (Zimmerman, Software Review-Open Plan 5.0 Upgrade, Cost Engineering, Vol. 13, Issue 12, December 1993, p.11 [PROQUEST]). Please see the 35 U.S.C. 103(a) rejection below.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 187** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "to perceive" in claim 187 is a relative term which renders the claim indefinite. The term "to perceive" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The examiner interpret "to perceive" to mean, "to view".

6. **Claim 187** recites the limitation "the hierarchies" in line 11. There is insufficient antecedent basis for this limitation in the claim. The claims as written identifies a "hierarchy and/or another hierarchy" which means either a "hierarchy or another hierarchy" or a "hierarchy and another hierarchy". The first option implies only one hierarchy while the second option implies multiple hierarchies. The further claim limitation of "an interface to the system for the persons, the interface being provided by the processor and the interface permitting a person to perceive and modify the model entities and the hierarchies and to perceive and modify the information to which the model entities provide access" refers to only the multiple hierarchy option. A single hierarchy option would not be applicable to the interface limitation as written, therefore, the "hierarchies" as written in the claim limitation lacks sufficient antecedent basis for all options.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 187-210** are rejected under 35 U.S.C. 103(a) as being unpatentable over Board et al. (Board et al., High-end Project Managers, InfoWorld, 1 February 1993, p.61-69 [PROQUEST]) in view of Zimmerman (Zimmerman, Software Review-Open Plan 5.0 Upgrade, Cost Engineering, Vol. 13, Issue 12, December 1993, p.11 [PROQUEST]). The examiner notes that one of the authors of Board et al. is Mike Heck and is not the same as this examiner. Board et al. disclose processing management information comprising:

- **[Claim 187]** a processor which has access to a representation of a model of the business, the model including representations of model entities (p. 59, col. 1-3, and p.63, col. 1, Board et al. teach that there has been a major shift in project management over the past few years as more companies deploy planning software throughout their organizations. Most of these applications are built on an industry-standard database, such as XBase (dBase), SQL Base, or Oracle. Primavera Project Planner is best known for managing large engineering and constructions jobs. Tables contain only the data items needed to build a project network. Inherently, a computer with a processor is used to run the software and has access to the databases.).
- an interface to the system for the persons, the interface being provided by the processor and the interface permitting a person to perceive and modify the model entities and the hierarchies and to perceive and modify the information to which the model entities provide access (p.60, col. 3-4, p.63, col. 1, and p.67, col. 1, Board et al. teach better interfaces let you place software in the hands of those who actually are responsible for day-to-day project

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management. Spreadsheet-style menus make it easy to record basic activity data in a general form then switch to additional windows when adding details, such as budget or resource information. For editing, Penguin is the best choice. Primavera's graphical interface, Penguin, displays a PERT chart with a superimposed data entry form.).

Board et al. fail to teach the representations of model entities belonging to a hierarchy and/or another hierarchy, and the representations of model entities providing access to information relating to the business. Board et al. does teach Primavera's graphical interface, Penguin, displays a PERT chart with a superimposed data entry form and Open Plan provides scheduling and resource distribution information using Gantt charts and histograms (p. 66, col. 2, and p.67, col. 1). Zimmerman teaches Open Plan now supports hierarchical structures for activities, codes (work breakdown structure and organizational breakdown structure) and resources (Para 4). It would have been obvious to one of ordinary skill in the art to include the Hierarchical structures of Zimmerman with the teachings of Board et al. since Board et al. teach Open Plan 4.0. Updating software to get the latest technological advances help companies out that need them. Board et al. conduct product comparisons to include Open Plan 4.0. Zimmerman performs a software review of Open Plan 5.0 upgrade. Therefore, as companies review these reports they can make a decision as to whether or not to upgrade their software to give them the features they need.

- **[Claim 188]** the system further permits a person to sort model entities according to the entities' hierarchy membership (Board et al.: p.66, Col 2, Board et al. teach sort and selection options make it easy to present projects in detail. Zimmerman, Para 4, Zimmerman teaches Open Plan now supports hierarchical structures for activities, codes (work breakdown structure and organizational breakdown structure) and resources.).

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- **[Claim 189]** a representation of a model entity includes representations of the information (Board et al.: p.67, col. 1, Board et al. teach Primavera's graphical interface, Penguin, displays a PERT chart with a superimposed data entry form.)
- **[Claim 190]** the interface further permits a person to sort the model entities according to values of the included representations of the information (Board et al.: p.63, col. 1, and p.67, col. 1, Board et al. teach P3 lets you establish financial codes for tracking costs at different levels of detail. P3 gives you 75 basic reports that you can modify by selecting sort order and filtering criteria.).
- **[Claim 191]** there is a plurality of types of model entities (Board et al.: p.63, col. 1, Board et al. teach Primavera Project Planner lets you ties subprojects together by defining relationships across projects.);
- a representation of a model entity specifies the represented model entity's type (Board et al.: p.67, col. 1, Board et al. teach project planner lets you expand the database with up to eight custom fields for tracking items such as engineering drawing number, WBS levels, or purchase order numbers. Eight custom resource fields can accommodate expanded resource names.); and
- the interface permits the person to perceive the type of a model entity (Board et al.: p.63, col. 1 and p.67, col. 1, Board et al. teach Primavera Project Planner lets you tie subprojects together by defining relationships across projects. Primavera's graphical interface, Penguin, displays a PERT chart with a superimposed data entry form.).
- **[Claim 192]** the model further includes representations of further information that are related to certain of the representations of the model entities (Board et al.: p.63, col. 1, Board et al. teach "fragnets" (portions of networks) can be saved in libraries for later insertions into other projects.);
- the interface permits the person to perceive how the further information is related to the model entities and to access the related further information (Board et al.: p.67, col. 1, Board et al. teach Primavera's graphical interface, Penguin, displays a PERT chart with a superimposed data entry form.).
- **[Claim 193]** the interface further permits the person to modify the further information (Board et al.: p.67, col. 1, Board et al. teach Primavera's graphical interface, Penguin, displays a PERT chart with a superimposed data entry form.).
- **[Claim 194]** the further information is a document sent to the person by another person (Board et al.: p.67, col. 1, Board et al. teach multiple users

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can simultaneously add data to tables, add resources to the resource dictionary.).

- **[Claim 195]** the further information is a message sent to the person by another person (Board et al.: p.69, col. 1, Board et al. teach when you run P3 on a LAN, you have electronic mail capabilities.).
- **[Claim 196]** the further information is a discussion concerning the model entity among the persons (Board et al.: p.69, col. 1, Board et al. teach when you run P3 on a LAN, you have electronic mail capabilities and a project bulletin board for communicating with others.).

**Claims 197-210** substantially recites the same limitations as that of claims 187-196 with the distinction of the recited system being data storage devices and a method. Hence the same rejection for claims 187-193 as applied above applies to claims 197-210.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

Or faxed to:

**(703) 872-9306** [Official communications; including After Final communications labeled "**Box AF**"]

**(703) 746-9419** [Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

Hand delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

mch  
10 December 2004

  
**TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**